

1 SENATE JOINT MEMORIAL 1

2 49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2009

3 INTRODUCED BY

4 John Pinto

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10 A JOINT MEMORIAL

11 REMINDING THE LEGISLATURE OF THE IMPORTANCE TO TRIBAL PEOPLE OF
12 THE STATE'S CONTRIBUTIONS TO NATIVE AMERICAN HEALTH CARE AND
13 URGING LEGISLATORS TO HOLD NATIVE AMERICAN TRIBES, NATIONS AND
14 PUEBLOS HARMLESS FROM ANY CUTS TO MEDICAID FUNDING OR PROGRAMS.
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16 WHEREAS, on September 24, 2009, the medical assistance
17 division of the human services department announced a series of
18 cuts expected in medicaid budgets for tribes in New Mexico; and

19 WHEREAS, the proposed cuts were not discussed in a formal
20 way with the tribes; and

21 WHEREAS, Governor Bill Richardson's Executive Order 2005-
22 04 promised that tribal consultation would be held in such
23 cases; and

24 WHEREAS, the human services department is bound by the
25 state-tribal consultation policy announced by the governor and

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1 is required by the federal stimulus act, the American Recovery
2 and Reinvestment Act of 2009, to consult with federally
3 recognized tribes on any medicaid plan amendments, waiver
4 requests and proposals that are likely to have a direct impact
5 on Indian health programs and Native American medicaid
6 beneficiaries; and

7 WHEREAS, the health care that most tribal people in New
8 Mexico rely upon is severely underfunded, and the federal
9 Indian health system is experiencing a shortage of professional
10 health care providers, including nurses, dentists and
11 pharmacists; and

12 WHEREAS, in the year 2000, the per capita income on the
13 Navajo Nation was one-third of the per capita income of the
14 rest of the United States at seven thousand two hundred sixty-
15 nine dollars (\$7,269) per year; and

16 WHEREAS, the unemployment rate on the Navajo Nation has
17 doubled from twenty-five and six-tenths percent in 2000 to
18 fifty and one-half percent in 2007; and

19 WHEREAS, it is well documented that American Indians and
20 Alaska natives suffer the most egregious health disparities
21 compared with the rest of the population of this country; and

22 WHEREAS, the federal government's spending for health care
23 in tribal areas is less than one-half that spent for prisoners;
24 and

25 WHEREAS, federal funds for tribal health services require

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1 no state matching funds; and

2 WHEREAS, Navajo Nation President Joe Shirley has written a
3 formal request to the medical assistance division requesting
4 consideration of the Navajo Nation's opposition to tribal
5 health cuts; and

6 WHEREAS, any cut whatsoever to medicaid expenditures for
7 the chapters of the Navajo Nation; the pueblos; the Jicarilla
8 Apache Nation; and the Mescalero Apache Tribe will have a
9 significant and disparate impact on a very vulnerable system of
10 health care delivery;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that any cuts made to medicaid funds or
13 programs in New Mexico in the first special session of the
14 forty-ninth legislature exempt tribal medicaid funds or
15 programs; and

16 BE IT FURTHER RESOLVED that, rather than making cuts to
17 Indian health service and tribal facilities, the state should
18 consider a Native American carve-out program similar to the
19 carve-out or opt-out program used for the state coverage
20 insurance opt-out; and

21 BE IT FURTHER RESOLVED that no major changes be made to
22 tribal health services delivery or funding absent a formal
23 tribal consultation with New Mexico's twenty-two tribes,
24 nations and pueblos, as mandated by the governor's Executive
25 Order 2005-04 and the provisions of the federal stimulus bill;

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1 and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the governor, the secretary of human services,
4 the medical assistance division of the human services
5 department, the heads of all Indian tribes, nations and pueblos
6 and the Indian affairs department.

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